

**APPENDIX -12**

**IN THE COURT OF ASSISTANT SESSIONS JUDGE,  
SONITPUR, TEZPUR.**

Present: Dr. C. Khanikar, AJS  
Assistant Sessions Judge, Sonitpur, Tezpur

**(20<sup>th</sup> September, 2022)**

**(Sessions Case No 93 / 2022)**

(FIR NO.224/2019 DATED 17-08-2019 / KIDNAPPING CASE /AND  
Chariduar POLICE STATION)

<b>INFORMANT :</b>	MD. MOINUL ISLAM
<b>REPRESENTED BY</b>	MR. P. SARMA, ADVOCATE ADDITIONAL PUBLIC PROSECUTOR
<b>ACCUSED</b>	MD. MAIJUL ISLAM S/O MD KAMALUDDIN VILL- KEKUKOLI NEPALI (KONINAGHAT) P.S.- CHARIDUAR DIST- SONITPUR, ASSAM
<b>REPRESENTED BY</b>	MR. D. BHUYAN, ADVOCATE

**APPENDIX -13**

Date of Offence	16-08-2019
Date of FIR.	17-08-2019
Date of Charge-sheet	31-08-2019
Date of Framing of Charge	05-07-2022
Date of commencement of evidence	20-09-2022
Date on which judgment is reserved	20-09-2022
Date of the Judgment	20-09-2022
Date of the Sentencing Order, if any	None

**ACCUSED DETAILS:**

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention undergone during Trial for purpose of Section 428, Cr.P.C.
1	Md. Majjul Islam	18-08-2019	07-09-2019	366(A) IPC	Acquitted	none	N/A

**IN THE COURT OF ASSISTANT SESSIONS JUDGE, SONITPUR,  
TEZPUR**

**SESSIONSCASE No. 93of 2022**

**G.R. Case No.2896 of 2019**

U/S.366 (A)of IPC

State of Assam

.....Prosecutor

- *Versus*-

Md. Maijul Islam

.....Accused

Present: Dr. Chetana Khanikar, AJS

For the prosecution : Sri P. Sarma, Addl. P. P.

For the defence : Sri. D. Bhuyan,Advocate

Evidence recorded on: 20-09-2022

Argument heard on: 20-09-2022

Judgment delivered on: 20-09-2022

**J U D G M E N T**

1. The prosecution case in brief as stated in the FIR is that on 16.08.2019 at about 6 PM Miss Nazima Khatoon, the daughter of the informant, aged about 17 years, was sitting on the road in front of her house with her mother. Then the accused Md. Maijul Islam with the help of one Md. Sakadul Islam has forcefully kidnapped Nazima. While her mother tried to restrain the accused, a scuffle took place and her mother sustained injury. One Md. Ashek Ali was also associated with the accused Md. Maijul Islam in the incident.

2. On the basis of aforesaid FIR, police registered a case as Dhekiajuli PS Case No. 451/2021. Police investigated the case and on completion of investigation submitted charge-sheet against the accused person Md. Maijul Islam U/S 366(A) of IPC.

3. On appearance of the accused person Md. Maijul Islam, copies of relevant documents were furnished to him as required U/S 207 of Cr. P. C. and the case was committed to the Court of Hon'ble Sessions Judge, Sonitpur as the case was exclusively triable by the Hon'ble court of Sessions. Thereafter, the case has been transferred to this court. Considering the relevant documents and hearing both the parties and having found sufficient material to presume that the accused had committed offence U/S 366(A) of IPC, charge under that section was framed against him. The accused pleaded not guilty and claimed to be tried when the charge was read over and explained to him.

4. During trial the prosecution side has examined two witnesses and also adduced 2 documentary evidences.

5. At the close of the prosecution evidence, examination of the accused U/S. 313 of the Cr.P.C. has been dispensed with as no incriminating circumstances appearing against him in the prosecution evidences.

Defence side has not adduced any witness and plea of the accused is of total denial.

6. After perusing the records, considering the materials produced, hearing the arguments of the learned counsels for both the sides and the accused the following point is taken as POINT FOR DETERMINATION:

(i) Whether the accused 16.08.2019 at about 6 PM, kidnapped/induced Miss Nazima Khatoon, a minor girl of 17 years of age, from the lawful custody of their parents, without their consent, with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit intercourse or compel her to marry with any other person?

DISCUSSION, DECISION AND REASONS THEREOF:

Point (i):

7. In Ext.P1/PW.1, the FIR, it is written that on 16.08.2019 at about 6 PM, Miss Nazima Khatoon, the daughter of the informant, aged about 17 years, was sitting on the road in front of her house with her mother. Then the accused Md. Maijul Islam with the help of one Md. Sakadul Islam has forcefully kidnapped Nazima. While her mother tried to restrain the accused, a scuffle took place and her mother sustained injury. One Md. Ashek Ali was also associated with the accused Md. Maijul Islam in the incident. In this case PW 1 is the victim and PW 2 is her mother. Both of them have

deposed that, the FIR was filed against the accused due to misunderstanding only. The victim was recovered by police from Kanyaka village. During cross-examination both the victim and the informant have deposed that they have no allegation against the accused and have no objection, if the accused got acquitted in the trial. Except this none of the witnesses have deposed anything which can incriminate the accused.

8. Both the witnesses have also deposed that the informant, who is the father of the victim and husband of PW2, is suffering from T.B. He is not in a position to appear before the Court. From the contents of the FIR, it is seen that here, the victim and her mother are the primary witnesses being the ocular witnesses. The prosecution side has declined to adduce any more evidence including the evidence of the informant, in view of his health condition as appeared from the depositions of PW 1 and 2, as nothing was found against the accused in the evidence of the informant and her mother, who are the principal witnesses of the case. Thus, from the evidence available, it appears that the prosecution side has failed to prove that the accused 16.08.2019 at about 6 PM, kidnapped/induced Miss Nazima Khatoon, a minor girl of 17 years of age, from the lawful custody of their parents, without their consent, with intent that she may be or knowing that it is likely that she will be forced or seduced to illicit

intercourse or compel her to marry with any other person.

Hence point no. (i) is decided negative.

9. From the above discussions I come to the conclusion that prosecution has failed to establish the allegations against the accused Md. Maijul Islam. Hence the accused Md. Maijul Islam is acquitted from the case. Bail bond extended for next six months.

Given under my hand and the seal of this Court on this 20<sup>th</sup> day of September, 2022.

( Dr. C. Khanikar)  
Asstt. Sessions Judge,  
Sonitpur, Tezpur

**APPENDIX -14**  
**LIST OF PROSECUTION / DEFENCE / COURT WITNESSES**

**A. Prosecution:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW: 1	Musstt. Fatema Khatoon	Other witness
PW: 2	Musstt. Najima Khatoon	Victim

**B. Defence Witnesses, if any :**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**C. Court Witnesses, if any:**

<b>RANK</b>	<b>NAME</b>	<b>NATURE OF EVIDENCE</b> (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL

**LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS**

**A. Prosecution:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
1.	P.1/PW1	statement u/s 164 Cr.P.C.

**B. Defence:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

**C. Court Exhibits:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL



**D. Material Objects:**

<b>Sr. No</b>	<b>Exhibit Number</b>	<b>Description</b>
NIL	NIL	NIL

( Dr. C. Khanikar)  
Asstt. Sessions Judge,  
Sonitpur, Tezpur